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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/067,012	02/04/2002	John P. Graham	RWBP101US	4118
29393	7590	01/02/2004	EXAMINER	
ESCHWEILER & ASSOCIATES, LLC NATIONAL CITY BANK BUILDING 629 EUCLID AVE., SUITE 1210 CLEVELAND, OH 44114			COCKS, JOSIAH C	
		ART UNIT	PAPER NUMBER	
		3749	DATE MAILED: 01/02/2004	

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/067,012	GRAHAM ET AL. <i>[Signature]</i>
	Examiner Josiah C. Cocks	Art Unit 3749 <i>[Signature]</i>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 15 October 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-12 and 22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-12 and 22 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

#### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                           | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) 1 . | 6) <input type="checkbox"/> Other: _____                                     |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election of Group I (claims 1-12 and 22) in Paper No. 5 filed 10/15/03 is acknowledged. Applicant elected with traverse but did not distinctly and specifically point out the supposed errors in the restriction requirement, accordingly the election has been treated as an election without traverse (MPEP § 818.03(a)).

### ***Drawings***

2. The drawings filed with the application on 2/4/02 are accepted by the examiner.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later

invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-12 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Lourigan* (US # 3,906,294) in view of *Nakamura et al.* (US # 4,544,349).

*Lourigan* discloses in Figures 1-6 a time delayed solenoid valve that is intended to be used in an oil burner system (see col. 1, lines 6-15). The valve includes a controller with a timer circuit that includes an electric cord set coupled between the controller and the valve (see Fig. 1). The timer circuit of *Lourigan* operates in a substantially similar manner as that of applicant in that the timer circuit in that it is operated on a half wave rectified current and is independent of voltage and temperature such that it is not affected by line voltage discrepancies (see col. 2, lines 6-17 and col. 3, lines 41-64). *Lourigan* also discloses that it is understood in the art that the valve operates a predetermined time after a call for ignition (see col. 1, lines 7-15).

In regard to claims 2-12, these claims recite additional structure of the timer circuit that enable the circuit to operate independently of voltage. The examiner considers that any of this structure not present in *Lourigan* is simply an obvious matter of design choice as the circuit of *Lourigan* operates substantially identically to that of applicants and is not regarded as patentably distinct.

*Lourigan* possibly does not disclose the use of a pump associated with the valve and the activation of a motor, pump, and ignition device concurrently. However, *Nakamura et al.* is cited to show that it is well understood in the oil burner art that a solenoid valve may be associated with a pump (see *Nakamura et al.*, col. 4, lines 46-54) and the pump, a motor (76) and ignition

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device operate concurrently (see *Nakamura et al.*, col. 4, line 60 through col. 5, line 33). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made that the oil burner system that *Lourigan* would include a pump and concurrent motor, pump and ignition device operation as taught in *Lourigan* as it is well understood that a solenoid valve and solenoid operated pump are equivalent for controlling the flow of fuel oil to a oil burner, and a motor, pump, and ignition device operate concurrently to control the valve to activate and extinguish a flame.

In regard to claim 22, the examiner considers that the method steps recited in this claim would be inherent in the operation of *Lourigan* modified by *Nakamura et al.*

### *Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. *Komendera, Walbridge, Burke*, and FR 2 616 210 are included to further show the state of the art concerning oil burner systems with electronic timing circuits.
  
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Josiah Cocks whose telephone number is (703) 305-0450. The examiner can normally be reached on weekdays from 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ira Lazarus, can be reached at (703) 308-1935. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0861.

jcc

December 29, 2003



JOSIAH COCKS  
PATENT EXAMINER  
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